REMARKS/ARGUMENTS

This is in response to the Office Action mailed March 6, 2008. In the Office Action, Claims 14 and 16-27 were rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 5,488,478 to Bullock et al. in view of U.S. Patent No. 5,311,286 to Pike et al. Claim 15 was also rejected under 35 USC 103 as being unpatentable over Bullock and Pike as applied to Claim 14 and further in view of U.S. Patent No. 5,339,154 to Gassler et al.

By this Amendment, Claims 14, 15, 20, 21 and 23 have been amended and Claims 25-27 have been canceled. Independent Claim 14 has been amended to recite projecting a first pattern onto the surface of a first moving metal strip and projecting a second pattern onto the surface of a second moving metal strip through said transparency. In other words, in accordance with the present invention, the same transparency can be used for different moving metal strips (e.g., first and second moving metal strips).

In stark contrast, neither Bullock nor Pike disclose or suggest using the same transparency to project a first pattern onto the surface of a first moving metal strip and also to project a second pattern onto the surface of a second moving metal strip. Bullock discloses measuring the shape of a surface by projecting a plurality of light beams directly onto the surface of a moving strip (Column 1, lines 33-37). Pike, on the other hand, says nothing about changing patterns or, moreover, changing the pattern using the same transparency when a second metal strip is provided. Presumably, in order to change a pattern, Pike would have to change the transparency. This is precisely the situation which the method of the present invention seeks to avoid. As set

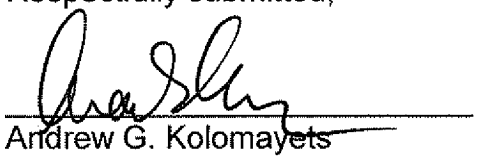
forth in the specification, "[t]hus, the situation where a separate transparency has to be used for each individual case of measurement and, in particular, thusly a transparency having the desired combination of projection properties has to be produced is avoided. This reduces the costs and time taken for the individual applications. The system according to the invention is thereby significantly more flexible for different fields of use, in particular different surfaces." See paragraph [0013]. Thus, Bullock in combination with Pike do not disclose or suggest a system with the flexibility of using the same transparency to measure different surfaces, thereby avoiding the need to produce a separate transparency for measurement of each different surface. Because Bullock in combination with Pike do not disclose or suggest projecting multiple patterns with the same transparency (i.e., said transparency), Applicants respectfully submit that independent Claim 14 would not have been obvious over Bullock in view of Pike. Further, Applicants respectfully submit that Claims 16-24 now all depend from independent Claim 14 and therefore would also not have been obvious over Bullock in view of Pike.

Claim 15 is dependent on independent Claim 14 and requires projecting a first pattern onto the surface of a first moving metal strip and projecting a second pattern onto the surface of a second moving metal strip via a transparent liquid-crystal element. The system and methods relate to measuring the surface geometry of flat objects, particularly metal strip of bulk material (see paragraph [0002]). By contrast, Gassler discloses measuring "... in particular artificial or natural teeth in or outside the patient's mouth..." (Column 2, lines 15-18). Because Gassler is measuring teeth, Gassler necessarily does not disclose or suggest measuring the surface geometry of flat

objects. Further, Gassler does not disclose or suggest projecting a first pattern onto the surface of a first moving metal strip and projecting a second pattern onto the surface of a second moving metal strip. There is no suggestion in Gassler that the teeth being measured are anything but stationary (Column 1, lines 55-56). In short, Gassler is clearly directed to a completely different purpose than what is addressed by the claimed invention, or for that matter, a purpose that is different from Bullock and Pike. Simply because Bullock, Pike and Gassler may disclose individual aspects of the recited method, their combination into a method for measuring the flatness of different moving metal strips using the same transparency would not have been an obvious conclusion. "A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." See *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007). Applicants submit that any combination of the cited art would rely largely on hindsight from the present application, the picking of individual features from numerous references, and, improperly using Applicant's claimed invention as a hindsight blueprint to reconstruct the claimed invention by picking and choosing selected features from numerous isolated and quite different prior art references. Even in the post-KSR world, it remains improper to use hindsight in the evaluation of obviousness, or at the very least, the temptation to use hindsight should be resisted. "A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning." *Id.* at 1742. Thus, Applicants respectfully submit that Claim 15 would not have been obvious over Bullock in view of Pike and further in view of Gassler.

Applicants respectfully submit that the claims, as amended, are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,



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